

March 15, 1999

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 15, 1999
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, the following acknowledgements and announcements were made by Council Members: Mayor Pro Tempore Clement commended the Sister Cities of Durham and the City of Durham's Economic Development Office for the African & American International Economic Development Conference held recently at the Durham Civic Center.

Council Member Miller noted that the recently appointed Joint City/County Merger Steering Committee would meet on Friday, March 26, 1999, 7:30 p.m., Committee Room at City Hall.

Council Member Jacobs noted she wanted to clear up any misinterpretation that may have occurred with her no vote on the establishment of the Joint City/County Merger Steering Committee at the last meeting. She stated she was very much in favor of the merger study; however, her opposition was with the process that was used for selection.

Council Member Brown also congratulated the administration for their work on the recent conference sponsored by the Economic Development staff dealing with African and economic development.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell noted that a copy of the Preliminary Official Statement regarding Consent Item 3 [General Obligation Public Improvement Bonds, Series 1999] was on file with the City Clerk. Also, City Manager Ewell noted that the Human Resources Department has made available to Council the written document that was discussed last Thursday relative to the City's Hiring Practices and Recruitment Efforts.

There were no priority items from the City Attorney and City Clerk.

Council Member Blyth expressed her appreciation to the Manager and staff for the work they have done relative to the program of

March 15, 1999

employing individuals who are getting out of jail or completing a rehabilitation program. She noted it was unfortunate that some of the media coverage or some columnist have used this in an attempt to criticize the city.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Consent Item 14 [Amendment to City's Street Light Policy] was pulled from the Consent Agenda by Council Member McKissick.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: PUBLIC SAFETY ISSUES IN THE DOWNTOWN DURHAM AREA

MOTION by Council Member Larson seconded by Council Member Miller to receive an official status report on the night life and related public safety issues in the downtown area was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BAHAMA VOLUNTEER FIRE DEPARTMENT - CONTRACT AMENDMENT

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute an amendment to the existing contract with Bahama Volunteer Fire Department to provide supplemental fire protection in the Treyburn area of the City was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 1999

MOTION by Council Member Larson seconded by Council Member Miller

March 15, 1999

to adopt a "Resolution Providing for the Issuance of \$29,255,000 General Obligation Public Improvement Bonds, Series 1999" was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: U. S. JUSTICE DEPARTMENT WEED AND SEED GRANT -
AUTHORIZATION TO APPLY FOR SECOND YEAR FUNDING**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to apply for second year funding under the Weed and Seed initiative and to execute the necessary grant application forms, documents, and certifications with the U.S. Justice Department, Office of Justice Programs, in an amount of up to \$225,000 for the North East Central Durham (NECD) Weed and Seed initiative was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LEAD BASED PAINT ABATEMENT GRANT FROM THE UNITED STATES
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to officially accept a Lead Based Paint Abatement Grant (NCLHR117-98) in the amount of \$2,409,561 from the United States Department of Housing and Urban Development (HUD) and to execute the grant agreement and related grant documents; and

To adopt the "City of Durham Grant Project Ordinance U.S. Department of Housing and Urban Development Lead-Based Paint Hazard Control Program," for the HUD grant in the amount of \$2,409,561 and approving the allocation of \$897,687 from budgeted Community Development Block Grant and HOME funds, housing bond funds, and in-kind services as the required match for this program was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STUDY OF COMMUNITY/HUMAN RELATIONS ACTIVITIES IN LOCAL
GOVERNMENT AGENCIES**

March 15, 1999

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with CGC Consulting in the amount of \$12,000 for a study of community/human relations activities in local government agencies was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CITY'S HIRING PRACTICES AND RECRUITMENT EFFORTS

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the City's hiring practices and recruitment efforts was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: HOLIDAY PARADE

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning a holiday parade, and to direct the City Manager to proceed with the development of a Request for Proposal with the intent of conducting a parade during the 1999 holiday season was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SPECIAL OLYMPICS

MOTION by Council Member Larson seconded by Council Member Miller to approve the City Manager's recommended level of support for the 1999 Special Olympics World Summer Games was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION TO OPPOSE THE REQUEST BY THE APARTMENT ASSOCIATION OF NORTH CAROLINA REGARDING PROPOSED ACCESSIBILITY CODE CHANGES

March 15, 1999

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution to Oppose the Request by the Apartment Association of North Carolina for a Reduction in the Number of "Fully Accessible/Adaptable" Apartment Units that Must Be Built in New Privately Owned Construction from 5% to 2%"--resolution to be forwarded by the City Clerk to the North Carolina Building Code Council was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - MCDONALD'S RESTAURANT AT SOUTHPOINT CROSSING

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for a McDonald's Restaurant, submitted by Thompson and Associates, P.A., consisting of a 3,564 square-foot restaurant proposed on 0.899 acre, zoned SC(D); F/J-B and MTC, and located on the north side of NC Highway 54, west of Fayetteville Road and east of Rollingwood Drive within the Southpoint Crossing Shopping Center (Tax Map 524-01-04C) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - MIAMI NORTH II

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Miami North II, submitted by Rice and Associates, consisting of a combination office/warehouse building totalling 124,225 square feet proposed on 17.56 acres, zoned I-2, and located north of Chin Page Road and east of Silicon Drive (Tax Map 582-1-5F and 8) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LIVE FIRE TRAINING EXERCISE - 814, 818, AND 820 GATTIS STREET

MOTION by Council Member Larson seconded by Council Member Miller to approve the burning of the structures located at 814, 818, and 820 Gattis Street on Friday, March 19, 1999 for live fire training purposes was approved at 7:44 p.m. by the following vote: Ayes:

March 15, 1999

Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LICENSE AGREEMENT WITH DUKE UNIVERSITY - UNDERGROUND ELECTRICAL CONDUIT AT MAXWELL STREET AND BUCHANAN BOULEVARD

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a License Agreement with Duke University for the installation of an underground electrical conduit was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: INFORMATIONAL REPORT REGARDING THE SEVERING OF THE CONNECTION BETWEEN MORNINGSIDE DRIVE AND STURBRIDGE DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to receive and accept a report on issues regarding the severing of the connection between Morningside Drive and Sturbridge Drive as approved by the City Council on December 7, 1998 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STREET ACCEPTANCE - DOVER RIDGE SUBDIVISION, ASHWORTH ESTATES AND CALUMET HILL

MOTION by Council Member Larson seconded by Council Member Miller to accept certain streets, as listed below, for maintenance by the City of Durham was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Dover Ridge Subdivision - Phase IIIA

1. Ballard Court - from the centerline of Garden Hills Court northeastward thru the cul-de-sac (976')
2. Paces Ferry Drive - from the centerline of Ballard Court

March 15, 1999

southward thru the cul-de-sac (420')

3. Paces Ferry Drive - from the centerline of Ballard Court northwest to the end of construction at STA 18 + 00 (460')
4. Powder Springs Court - from the centerline of Cheshire Bridge Road eastward thru the cul-de-sac (839')
5. Garden Hills Court - from the centerline of Cheshire Bridge Road eastward thru the cul-de-sac (839')

Ashworth Estates

1. Ashworth Drive - from the west ditch line of Garrett Road west thru the cul-de-sac (994')
2. Skipwith Court - from the centerline of Ashworth Drive northwest thru the cul-de-sac (389')

Calumet Hill

1. Calumet Drive - from the centerline of Shaftsbury Street east thru the cul-de-sac (311')

Additional Streets

1. Kristen Marie Lane - from the north curb line of N. C. Hwy 54 northward to the end of the pavement (765')
2. Honor Street - from the centerline of Chautauqua Avenue to the end of the pavement (130')

SUBJECT: STOP SIGNS - BUCK CROSSING DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Buck Crossing Drive at NC 751, northeast corner;
- 2) Mackenzie Court at Buck Crossing Drive, northwest corner; and
- 3) Mill Haven Court at Buck Crossing Drive, northwest corner.

SUBJECT: STOP SIGNS - CROOKED CREEK SUBDIVISION

March 15, 1999

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Guilford Place at Windcrest Road, northwest corner; and
- 2) Windcourt Place at Windcrest Road, northwest corner.

SUBJECT: STOP SIGNS - LINDA DRIVE AND WAYNE DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Linda Drive (Private) at Watson Road (Public), southwest corner; and
- 2) Wayne Drive (Private) at Lindmont Avenue (Public), northeast corner.

SUBJECT: STOP SIGNS - ROCKY RIDGE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation stop signs at the following locations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Bent Pine Court at Graceview Way, southwest corner; and
- 2) North Ridge Place at Graceview Way, northwest corner.

SUBJECT: STOP SIGN - STONE MILL PLACE, VANTAGE POINT SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Stone Mill Place at Stardust Drive, southeast corner was approved at 7:44 p.m. by the following vote: Ayes: Mayor

March 15, 1999

Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Water Main - Beck Road from East Geer Street to Beauford Road (Setting Public Hearing for Confirmation of Assessment Roll)

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution setting a public hearing on Monday, April 5, 1999 for confirmation of the assessment roll for water main on Beck Road from East Geer Street to Beauford Road was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the January 19, 1999 and February 1, 1999 City Council Meetings was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: USE OF ECONOMIC DEVELOPMENT INVESTMENT FUNDS - TEERMARK ASSOCIATES

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments regarding the use of up to \$55,000.00 in Economic Development Investment Funds for TeerMark Associates for the renovation of the property at 212 West Main Street in Downtown Durham; and

To authorize the City Manager to execute an "Agreement between TeerMark Associates, LLC and the City of Durham Regarding

March 15, 1999

Reimbursement for Economic Development Activities" was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: IMPACT FEE APPEAL - JOHN W. JOHNSON

Mayor Tennyson opened the public hearing. The public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive information from staff regarding the resolution of the Impact Fee Appeal by John W. Johnson was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-47, STATE PROPERTIES, INTERSECTION OF HOPE VALLEY ROAD AND GARRETT ROAD

Case: P98-47

Applicant: State Properties

Location: 5.02 acres on the northwest corner of the intersection of Hope Valley Road and Garrett Road, identified as Tax Map 426, Block 1, Parcels 8A, 8B, 9A, 9B, 9C, 10A, 11, 12, 13 and 14

Request: Rezoning from R-10 (Residential 10 District), NC (Neighborhood Commercial District) and OI-1 (Transitional Office and Institutional District); F/J-B Overlay (Falls-Jordan Protected Area) to GC(D) (General Commercial District with a Development Plan) and OI-1(D) (Transitional Office and Institutional District with a Development Plan); F/J-B Overlay (Falls-Jordan Protected Area)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10 and OI-1; F/J-B and placing same in and establishing same as GC(D) and OI-1(D); F/J-B.

Zoning Committee's Recommendation and Vote: Approval - (5-2)

City Manager's Recommendation: Denial

Nazeeh Abdul-Hakeem, of the City/County Planning Department, briefed council on the four pending rezoning cases at or near the intersection of Highway 54 and NC 751.

March 15, 1999

Earl Lewellyn, of the Transportation Division, gave an overview on the traffic conditions relevant to the four pending rezonings in the area. Mr. Lewellyn noted that staff met with the applicant of the Ford Whitley property rezoning and discussion was held on elements that may be relevant or scoping of a study necessary to provide answers of what it is needed in this area. Mr. Lewellyn stated it was his understanding that the developer had agreed to conduct the study by hiring a private consultant to be completed within four to six weeks. Mr. Lewellyn noted the city administration informed the applicant that the city staff would certainly want to be included on any listing of possible options on how they would or would not meet the forecast traffic volumes. He noted the administration would be providing the applicant with data from the different developments that are currently proposed and already approved in this area similar to the method in the Southwest Durham Study.

With respect to the development proposal before council this evening, Mr. Lewellyn stated the improvements that are recommended in this area are 1) southbound right-turn lane on NC 751; 2) a left-turn lane thru the frontage of the property of 751; and 3) an additional southbound left-turn lane on Garrett Road at 751. He noted with these improvements the Current Levels of Service will be maintained in this area.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Attorney Travis Porter, representing State Properties, spoke in support of the request. Attorney Porter briefed the council on the positive features of the proposal. He noted that at the intersection of Garrett Road and Hope Valley the applicant's improvements would improve the Level of Service at Woodcroft Parkway and Hope Valley Road intersection and their improvements more than mitigate the traffic _____. Also, Attorney Porter briefed council on the proposed use and the tax benefit for the City of Durham.

Frances Atkins, a resident of 4810 Hope Valley Road, spoke in support of the proposal. She noted there was commercial establishments located all around her home and it was undesirable to live there. She noted traffic in front of her home makes it very difficult to get out of her driveway. She stated her family's quality of life has diminished drastically.

Mitch Barron, representing the Developers of Hope Valley Farms, spoke in support of the rezoning request. He stated the proposal

March 15, 1999

was a great amenity for the homebuyers that will locate in the area.

At this time, all citizens present supporting the request stood to be recognized.

Opponents

Richard Broughton, representing Valleybrook Neighborhood, spoke in opposition to this request. He noted the proposal violated the adopted Southwest Durham Plan.

Jim McDonald, President of the Hope Valley Neighborhood Association, noted his board was unanimously opposed to the rezoning request and asked council to deny this proposal.

Dave Slade, President of Hope Valley Farms Homeowners Association, stated he was strongly opposed to this rezoning for the following reasons: 1) it negatively impacts the surrounding neighborhoods by adding greater traffic flow to an already overburdened and inadequate road system; 2) the general commercial footprint allows for a multitude of uses; 3) does not follow the small area plan; and 4) impervious surface runoff.

Elizabeth Steenbergen noted they were opposed to the rezoning because it does not comply with the Southwest Durham Plan.

Stephanie Broughton spoke in opposition to this proposal.

R. J. Vaccarelli, representing the Woodcroft Neighborhood Association, asked council for a delay on this matter. He noted recently he received letters and phone calls from Woodcroft residents opposing this rezoning. He stated he would like to get notices out to all the residents in Woodcroft and poll them and share the results with council.

Mike Shiflett a resident of Oakland Avenue spoke in opposition to the request and asked council to deny this request.

Rebuttal

Attorney Travis Porter noted all the positive aspects of the proposal.

A motion was made by Council Member Larson to approve the rezoning request. This motion was seconded by Council Member Miller.

Discussion was held on the potential range of uses and neighborhood commercial verses general commercial.

March 15, 1999

A substitute motion was made by Council Member McKissick to continue the public hearing until the May 17, 1999 City Council Meeting to allow a traffic study to be completed regarding transportation improvements in the area and give residents an opportunity to communicate. This motion was seconded by Council Member Cox.

Several Council Members spoke in opposition to the rezoning request and opposed deferring a decision until the May 17, 1999 City Council Meeting.

Discussion was held on the possibility of splitting the commercial into two separate neighborhood commercial projects.

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Cox to continue the public hearing without further advertising to the May 17, 1999 City Council Meeting to allow a traffic study to be completed and give the residents an opportunity to communicate was approved at 9:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Jacobs, Larson and McKissick. Noes: Council Members Langley, Miller, Brown, Engelhard and Blyth. Absent: None.

SUBJECT: ZONING MATTER CASE P98-74, SIGMUND LEFKOVITZ, 303 AND 323 CARVER STREET

Case: P98-74

Applicant: Sigmund Lefkovitz

Location: 8.27 acres at 303 and 323 Carver Street, between Roxboro Road and Meriwether Drive, near Oxford Commons and Independence Park (Tax Map 740A, Block 1, Lot 1D)

Request: Rezoning from PDR (Planned Density Residential District); F/J-B Overlay (Falls/Jordan Protected Area) to OI-1(D) (Transitional Office and Institutional District with a Development Plan); F/J-B Overlay (Falls/Jordan Protected Area)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of PDR; F/J-B and placing same in and establishing same as OI-1(D); F/J-B.

Zoning Committee's Recommendation and Vote: Approval - (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no

March 15, 1999

objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of PDR; F/J-B and placing same in and establishing same as OI-1(D); F/J-B was approved at 9:24 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Blyth. Absent: None.

SUBJECT: ZONING MATTER CASE P98-84, T. C. STANFORD, WEST OF 4316 CHAPEL HILL ROAD

Case: P98-84

Applicant: T. C. Stanford

Location: 8.16 acres at and west of 4316 Chapel Hill Road (Tax Map 470-1-7, 14)

Request: Rezoning from R-20 (Residential 20 District) to PDR (Planned Density Residential District)

Zoning Committee's Recommendation and Vote: Approval - (7-0)
(Subject to an agreement by the applicant not to exceed two story building height and not to remove the existing pond)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR.

City Manager's Recommendation: Approval

Gail Sherron, of the City/County Planning Department, noted this proposal contained 47 multi-family units that are not being developed in the flood fringe.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Dan Jewell, representing the applicant, spoke in support of the request.

No one spoke in opposition. The public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller

March 15, 1999

to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR was approved at 9:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Engelhard. Absent: None.

[OTHER MATTERS]

SUBJECT: REPORT FROM TAXICAB COMMISSION - FEBRUARY 24, 1999 MEETING

To receive a report from the Taxicab Commission and to take action on the following recommendations of the Taxicab Commission--pursuant to Section 22-159.10:

- a. Transfer of Operator's License - Deluxe #135 (Mr. Ralph Holloway to Mr. Hal Royster)

Taxicab Inspector's Recommendation: Approve transfer of operator's license #135 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of operator's license #135 (Vote 4-0)

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to approve the Taxicab Commission's recommendation [approve transfer of operator's license #135] was approved at 9:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- b. Late Payment/Cancellation of Vehicle Insurance - B & P #114 (Ms. Je'Neise Harris)

Taxicab Inspector's Recommendation: Revoke operator's license #114 (in accordance with City Code)

Taxicab Commission's Recommendation: Allow Ms. Harris to retain operator's license #114 (Vote 4-0)

MOTION by Mayor Pro Tempore Clement seconded by Council Member Langley to approve the Taxicab Commission's recommendation [allow Ms. Harris to retain operator's license #114] was approved at 9:35

March 15, 1999

p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Council Member Larson. Absent: None.

c. Denial of Taxicab Driver's Permit - Mr. Timothy Riley

Taxicab Inspector's Recommendation: Deny driver's permit (in accordance with City Code)

Taxicab Commission's Recommendation: Issue probationary driver's permit for one (1) year and if any infractions occur the driver's permit would be revoked (Vote 5-0)

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Cox to approve the Taxicab Commission's recommendation [issue probationary driver's permit for one year and if any infractions occur the driver's permit would be revoked].

A substitute motion was made by Council Member Miller seconded by Council Member Larson to approve the Taxicab Inspector's recommendation [deny driver's permit of Timothy Riley].

SUBSTITUTE MOTION TO THE SUBSTITUTE by Council Member Larson seconded by Council Member McKissick to approve the Taxicab Commission's recommendation [issue probationary driver's permit for one year] and if any infractions occur the driver's permit would be revoked, with the condition that the applicant is successful in having his license revocation removed from his driving record within 90 days was approved at 9:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Griffin, Jacobs, Larson, McKissick and Miller. Noes: Council Member Langley, Burnette, Cox, Engelhard and Blyth. Absent: None.

SUBJECT: REQUEST BY DURHAM BULLS BASEBALL CLUB, INC. FOR DISPLAY OF FIREWORKS

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve a request by the Durham Bulls Baseball Club, Inc. for the display of fireworks at the conclusion of their five home games during the 1999 season--dates are: Friday, April 23; Friday, May 14; Saturday, July 3; Friday, August 20; and Friday, September 3, 1999 was approved at 9:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson and McKissick. Noes: Council Members Engelhard and

March 15, 1999

Miller. Absent: None.

SUBJECT: CENSUS 2000 RESOLUTION

MOTION by Council Member Larson seconded by Council Member Miller to adopt the Census 2000 Resolution, State of North Carolina, Durham City Council, Durham County Board of Commissioners, and the United States Bureau of the Census Charlotte Region was approved at 9:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: AMENDMENT TO CITY'S STREET LIGHT POLICY

MOTION by Mayor Pro Tempore Clement seconded by Council Member Cox to amend the City's Street Light Policy to authorize the installation of galvanized steel poles (or equivalent) and related underground electrical wiring on thoroughfares was approved at 9:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 9:49 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk